

HOUSE BILL 710
By Brown

AN ACT to amend Tennessee Code Annotated, Title 3; Title 4 and Title 9; and to repeal Tennessee Code Annotated, Section 9-6-109, to create the office of state budget within the legislative department of state government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, is amended adding the language of Sections 2 and 3 of this act as a new chapter.

SECTION 2. There is created within the legislative department of state government the office of state budget. The office of state budget shall have the following duties:

(1) To prepare and submit to the general assembly annually, a state budget document in accordance with the provisions outlined in Title 9, Chapter 6;

(2) To prescribe forms for the preparation of the budget estimates by all the spending agencies of the state government; and to furnish every state officer, department and agency with a sufficient number of the budget estimate forms not later than October 15 of each year;

(3) To prescribe the classifications of expenditures and revenues for the purposes of budget-making and accounting.

(4) To investigate duplication of work among the departments and other agencies of the state government, to study the organization and administration of such departments and agencies, and to formulate plans for better management and more efficient and economical operation;

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(5) To prepare and report to the general assembly, or the governor when requested, any financial data or statistics which may be required, such as monthly or quarterly estimates of the state's income, and cost figures on the current operations of state institutions and other agencies.

SECTION 3.

(a) The administrative head of the office of state budget shall be the executive director who shall have such training or experience in government as may be deemed necessary to perform the duties assigned by the provisions of this act. The executive director shall be appointed by the joint legislative services committee, subject to approval by the speaker of the senate and the speaker of the house of representatives, and shall serve at the pleasure of the committee. The executive director shall be chosen without reference to party affiliation but solely on the basis of fitness to perform the duties of the office. The salary of the executive director shall be fixed in an amount equivalent to the salary of the commissioner of economic and community development, or the commissioner of education, or the commissioner of finance and administration, whichever is highest.

(b) Subject to funding resources and limitations, personnel shall be employed on recommendation of the executive director with the approval of the speakers and shall be employed without reference to party affiliation but solely on the basis of fitness to perform job responsibilities. Compensation for personnel of the office of state budget shall be determined by the joint legislative services committee upon recommendation of the executive director.

(c) Suitable office space and facilities shall be provided in Nashville convenient to the general assembly and the various departments of state government.

SECTION 4.

(a) Tennessee Code Annotated, Section 4-3-104(a), is amended by deleting the words and punctuation “the department of the budget,”.

(b) Tennessee Code Annotated, Section 4-3-113, is amended by adding the following language as a new, appropriately designated subsection:

() References appearing elsewhere in the law to the director of the budget shall be deemed references to the executive director of the office of state budget, created by Section 2 of this act.

SECTION 6.

(a) Tennessee Code Annotated, Section 4-3-1003(a), is amended by deleting item (3), which read as follows:

“(3) The budget section;”.

(b) Tennessee Code Annotated, Section 4-3-1006, is amended by deleting items (1), (2), (3), (6), and (7) and by appropriately renumbering the remaining items.

SECTION 7. Tennessee Code Annotated, Section 9-6-103, is amended by deleting the words “commissioner of finance and administration”, wherever such words appear sequentially, and by substituting instead the words “executive director of the office of state budget”.

SECTION 8. Tennessee Code Annotated, Section 9-6-104, is amended by deleting the words “commissioner of finance and administration” and by substituting instead the words “director of the office of state budget”.

SECTION 9. Tennessee Code Annotated, Section 9-6-105, is amended by deleting the section in its entirety and by substituting instead the following:

The fiscal review committee, with the assistance of the office of state budget, shall review the estimates, altering, revising, increasing, or decreasing the items of said estimates as it may deem necessary in view of the needs of the various spending

agencies and the total anticipated revenues of the state government during the ensuing fiscal year. The executive director of the office of state budget shall then prepare a budget document in the form required by the provisions of this chapter and shall transmit such document in printed form to the general assembly prior to February 1 of each year, unless the general assembly, by joint resolution, authorizes transmittal by a later date.

SECTION 10.

(a) Tennessee Code Annotated, Section 9-6-106(a)(1), is amended by deleting the words and figure "Part 1 shall consist of a budget message by the governor which shall" and by substituting instead the following:

"Part 1 shall consist of a budget message by the executive director of the office of state budget which shall"

(b) Tennessee Code Annotated, Section 9-6-106(a)(3), is amended by deleting the last sentence in its entirety and by substituting instead the following:

These bills shall be introduced by the respective speakers in both houses of the general assembly at the time the budget is submitted.

SECTION 11. Tennessee Code Annotated, Section 9-6-108(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

Appropriations for capital projects shall be in such detail under each spending agency as the executive director of the office of state budget shall determine; provided, however, that such appropriations shall not be segregated in greater detail than the major classes or projects for which they are expendable during the next fiscal year.

SECTION 12. Tennessee Code Annotated, Section 9-6-109, is hereby repealed.

SECTION 13. Tennessee Code Annotated, Section 9-6-202(a), is amended by inserting the following language immediately after the words "finance and administration:"

or by the executive director of the office of state budget.

SECTION 14.

(a) Tennessee Code Annotated, Section 9-6-203(a), is amended by deleting the words “budget document presented by the governor to the general assembly: and subsection (b) is amended by deleting the words “budget document presented by the governor” and by substituting instead in both such subsections the following:

budget document presented by the executive director of the office of state budget,

(b) Tennessee Code Annotated, Section 9-6-203(c), is amended by deleting the words and punctuation “, the governor” and by substituting instead the following:

, the executive director of the office of state budget

SECTION 15. Tennessee Code Annotated, Section 9-6-302, is amended by deleting from the first sentence the words, figures, and symbols “Beginning with fiscal year 1980-81, the budget document submitted by the governor” and by substituting instead the following:

Beginning with fiscal year 1998-1999, the budget document submitted by the executive director of the office of state budget.

SECTION 16. Tennessee Code Annotated, Section 9-6-303(a), is amended by deleting from the first sentence the words “the commissioner of finance and administration” and by substituting instead the following:

Tennessee Code Annotated, Section 9-6-303(c), is amended by deleting the word “commissioner” wherever it appears and by substituting instead the language “executive director of the office of state budget”.

SECTION 17. Tennessee Code Annotated, Sections 3-7-104 (a) and (b), are amended by deleting the words “commissioner of finance and administration” and by substituting instead the words “executive director of the office of state budget”.

SECTION 18.

(a) All employees of the department of finance and administration who, during the twelve (12) month period preceding July 1, 1997, are exclusively or primarily engaged in the duties enumerated by Section 2 of this act shall be transferred to the office of state budget and shall become employees of that office.

(b) All equipment, furniture, and supplies used exclusively or primarily by the employees identified by subsection (a) shall be transferred to the office of state budget and shall become the equipment, furniture, and supplies of that office.

SECTION 19. This act shall take effect July 1, 1997, the public welfare requiring it.